Martin Hinton*

A BAIL REVIEW

Note: this article addresses themes of violence which may be disturbing to some readers.

'All stand'. As I made my way to the centre of the bench I glanced at the large flat screen fixed to the wall. There could be seen the applicant, a young Aboriginal man, 26 years of age, dressed in prison issue garb. My eyes travelled to the coat of arms hanging on the wall behind the bench — *Dieu et mon droit* — a reminder, if anyone needed one, that in this courtroom the power of the coloniser vested in the colonists that first came to this land, and imposed on those who first owned the land, was to be exercised by a successor in title. Unabashed, unapologetic, *Dieu et mon droit*. So much for reconciliation. So much for recognition.

I will call the applicant William. That is not his name. I have changed it for the purposes of this article for the obvious reason.

William was in an audio-visual suite located in Port Augusta Prison. I was sitting in Adelaide. This was an application for the review of a grant of bail.

William did have what I would call an English name — I wondered, is that really your name or have you adopted an English name in dealing with the authorities*?* Surely there is no longer any need to do so (if there ever was). Surely as a community we have grown in maturity and know that the use of a person's preferred name is important to investing a sense of dignity, equality and acceptance. Perhaps not.

William was represented by a lawyer from the Aboriginal Legal Rights Movement ('ALRM'). He was robed and seated in Court as was the Crown Prosecutor.

I had been told that William was a traditional Aboriginal man for whom English was a second language. I had also been told that an interpreter would not be necessary — I wondered: how much of this application will he follow as we descend into formality and legal speak? I assume his grasp of English is sufficient to understand his predicament and to give instructions, but court proceedings are dynamic. Should I accept counsel's assurance? Surely counsel, and ALRM in particular, are vigilant to guard against any risk of unfairness. I let the issue lie.

The Prosecutor relayed the allegations; William had been charged with causing harm to another intending to cause harm, and with breaching an intervention order. He had been drinking in one of the pubs in Port Augusta, had become very drunk, and was

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ejected. He had been drinking with his partner. She too was ejected. I will call her Lillian, but that is not her name.

Lillian was also drunk. She walked out of the pub first. William and Lillian were upset at being thrown out. William stopped at the door to let security know exactly how he felt. He was pretty charged up, and pretty angry. He was yelling but otherwise was not violent. Lillian walked on, proceeding to cross the road in front of the pub. As she reached the median strip she turned back and yelled at William in language. William broke off his tirade directed at security and ran over, as best he could, to where Lillian stood. With his left hand he grabbed the hair on the back of her head and with his right, punched her in the face twice before she fell to her knees. As he was gearing up to punch her a third time, security officers from the pub and an off-duty police officer intervened. The police were called. William was arrested and charged with the offences to which I have referred.

Lillian was taken to the nearby hospital. Nothing was broken but her right eye was almost closed due to swelling and the right side of her face was very sore and very bruised.

It was not the first time that William had bashed Lillian. In fact, she was the protected person under the intervention order. The terms of that order prohibited him from, amongst other things, assaulting her.

The incident outside the pub had occurred some three months ago. William was refused bail by the police. He did not apply for bail when he first appeared in the Magistrates Court. He was only prompted to apply for bail when a cousin died in a car accident. He wanted to attend sorry camp. Sorry camp would take place in Finke in the Northern Territory and last up to two weeks.

As I have said, William was only 26 years old. He was an initiated Arrernte man. He spent his time in the communities and towns between Alice Springs and Port Augusta. The Magistrate was told that he was close to his cousin and that culturally he was expected to attend sorry camp.

Some months before the bail application the Australian Law Reform Commission had published its report entitled, *Pathways to Justice — An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples*.[1] The Magistrate had regard to this report. It makes plain the overrepresentation of Aboriginal people in the Australian prison system:

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1 Australian Law Reform Commission, *Pathways to Justice — An Inquiry into the Incarceration Rate of Aboriginal People and Torres Strait Islander Peoples* (Report No 133, December 2017).

> **The impact on Aboriginal and Torres Strait Islander people**
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> 5.20 There has been a general upsurge in remand populations nationwide, and this has been especially pronounced for the Aboriginal and Torres Strait Islander prisoner population.
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> 5.21 In 2016, the national Aboriginal and Torres Strait Islander remand prisoner population accounted for 30% (3,221) of Aboriginal and Torres Strait Islander prisoners, which amounted to 27% of all prisoners held on remand. By June 2017, 33% (3735) of the national Aboriginal and Torres Strait Islander prisoner population were in prison held on remand.
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> 5.22 Aboriginal and Torres Strait Islander peoples have continued to be over-represented on remand by a factor of over 11 compared to non-Indigenous remandees since 2010 — in 2016, the rate of remand for Aboriginal and Torres Strait Islander peoples was 432 per 100,000 and 38 per 100,000 for non-Indigenous people.
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> 5.23 In 2016, Aboriginal and Torres Strait Islander people were most likely to be held on remand when accused of offences categorised as 'acts intended to cause injury' (42% of the Aboriginal and Torres Strait Islander remand population); 'unlawful entry with intent' (13%); and sexual assault (7%). The category of 'acts intended to cause injury' is broadly defined and can include low-level instances of offending. For example, 33% of Aboriginal and Torres Strait Islander peoples held on remand for 'acts intended to cause injury' were charged with a serious assault *not* resulting in injury and 12% for common assault. This is not to say that all Aboriginal and Torres Strait Islander people held on remand for 'acts intended to cause injury' were held for low-level offending: 54% in this category were held on remand for charges of serious assault resulting in injury.[2]

My mind wandered. Those statistics shame us all. The haunting truth contained in the Uluru Statement came to mind:

> Proportionally, we are the most incarcerated people on the planet.[3]

I had previously written that if in all the circumstances of a case it is appropriate that an Aboriginal offender be gaoled or refused bail, then judges and courts must do so. Otherwise they would not be doing their duty. But if the case for incarceration or detention was finely balanced, the statistics should loom large and push the court

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2 Ibid 152–3.

3 Referendum Council, *Uluru Statement From the Heart* (26 May 2017) <https://www.referendumcouncil.org.au/final-report.html#toc-anchor-ulurustatement-from-the-heart> ('*Uluru Statement*').

to avoid a custodial outcome.[4] I paused to think about the statistics for a moment longer. They reflect unfairness in the system. The observations of the former Chief Justice of Western Australia, Wayne Martin, came to mind:

> The system itself must take part of the blame. Aboriginal people are much more likely to be questioned by police than non-Aboriginal people. When questioned they are more likely to be arrested rather than proceeded against by summons. If they are arrested, Aboriginal people are much more likely to be remanded in custody than given bail. Aboriginal people are much more likely to plead guilty than go to trial, and if they go to trial, they are much more likely to be convicted. If Aboriginal people are convicted, they are much more likely to be imprisoned than non-Aboriginal people, and at the end of their term of imprisonment they are much less likely to get parole than non-Aboriginal people. Aboriginal people are also significantly over-represented amongst those who are detained indefinitely under the dangerous sexual offenders legislation. So at every single step in the criminal justice process, Aboriginal people fare worse than non-Aboriginal people.
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> …
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> [O]n a lawyer's analysis, these laws cannot be said to discriminate against Aboriginal people, or to result in unequal treatment, because they do not discriminate by reference to Aboriginality, but rather by reference to characteristics with which Aboriginal people are much more significantly associated.
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> This is where I think, with respect, the sociological approach espoused by Professor MacKinnon makes rather more sense than the lawyer's approach. Put bluntly, if one looks at the outcome of a system and sees that they are skewed, it is a fair inference that the system is not working fairly. We know that the outcomes of the criminal justice system are significantly skewed in relation to Aboriginal people. Some of the sources of that skew can be seen in the examples that I have given. Move-on orders are more likely to be issued against Aboriginal people, Aboriginal people are more likely to be denied bail because they are homeless, or because of their prior criminal records, and the mandatory sentencing legislation in WA has a much greater impact upon Aboriginal people than upon non-Aboriginal people, as does the dangerous sexual offender legislation.
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> There cannot be any doubt that Aboriginal people are significantly disadvantaged within our criminal justice system in almost every aspect of that system's operation. Even if a lawyer might describe the system's treatment of Aboriginal and non-Aboriginal people as equal, the outcomes of the system's operations are grossly unequal. Whether you attribute those outcomes to disadvantage or to discrimination, it does not alter the tragic effects of those outcomes on the descendants of the longest unbroken cultural grouping on the planet.[5]

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4 *R v Webb* [2019] SASC 8.

5 Wayne Martin, 'Unequal Justice for Indigenous Australians' (2018) 14(1) *Judicial Review* 35, 49–51.

This reminds me of the Royal Commission into Aboriginal Deaths in Custody's observations of institutional racism:

> When Aboriginal people say they lived with racism every day they are not meaning to say that all day every day they met non-Aboriginal people who insulted them and called them names (some of the time, of course, they did), but that every day the system of inequality put them down. They are talking about the laws, the systems, that were put in place pursuant to the laws which operate every day whether the people who operate the system are well meaning and helpful or personally racist.[6]

Am I about to contribute to this unfairness, this disadvantage — to perpetuate institutional racism? In the Magistrates Court William was granted bail, but his release was deferred upon the prosecution indicating an intent to review the decision.[7] The review proceedings were promptly instituted.

Before me the Crown Prosecutor submitted that the grant of bail should be revoked. William, it was contended, was a prescribed applicant under the *Bail Act 1985* (SA) with the consequence that he could not be granted bail *unless* and *until* he established that special circumstances existed justifying his release.[8] No special circumstances existed in this case, it was submitted; the inability to attend family celebrations, events and funerals must necessarily have been contemplated by Parliament as an ordinary and expected consequence of the reversal of the presumption of bail.

Counsel for William emphasised the importance to William and his mob of his attendance at sorry camp. He repeated the submission made before the Magistrate that culturally William was expected to attend. The submission was bland and presumed I understood the cultural significance of sorry camp. I understood that it is important for people to say goodbye, to grieve, and to grieve with family. Was this the same?

Again my mind wandered; I needed help to understand this. William's culture was very different to mine as, no doubt, was his view of the world. I recalled Irene Watson's description of the ruwi:

> Our laws of ruwi are ancient. They come from a time the old ones called Kaldowinyeri — the dreaming, the place of lawfulness, a time before, a time now, and a time we are always coming to. A time when the first songs were sung, as they sung the law. Laws were birthed as were the ancestors — out of the land and the songs and stories recording our beginnings and birth connections to homelands and territories now known as Australia. Our laws are lived as a way of life, they are not written down because the knowledge of the law comes through the living

6 *Royal Commission into Aboriginal Deaths in Custody* (National Report, April 1991) vol 2, [12.1.27].

7 This was made under the *Bail Act 1985* (SA) s 14.

8 Ibid s 10A.

> of it, as law is lived, sung, danced, painted, eaten, walked upon, and loved; law lives in all things. It is law that holds the world together as it lives inside and outside of all things. The law of creation breathes life as we walk through all of its contours and valleys. It holds a continuity as there is no beginning or ending, for the constant cycles of life are held together by law.
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> It is law which lives in the lives of the community of animals who were brought together to determine a resolution to the problem of the giant frog and its need and greed. The animals' determination was expressed by an act that posed no harm or threat to the future existence of the frog. Instead the animals pursued an inquiry into the frog's trauma, which in turn led them to decide that through laughter the frog could be brought to release the life-giving waters back to the land. There was no retaliatory action taken but rather an understanding of the continuity and balances of life and law and the need to reduce the frog without taking from it its future. As all things have a right to life, the power to determine otherwise is of muldarbi origins not of law.[9]

Is it the same for an Arrernte man? Watson writes of being 'one of the voiceless amidst the chaos seeking to write my way out of the rubble that buries'.[10] I glanced across at William then up to the portrait of one of Her Majesty's Justices, and back to William. Is he voiceless? Am I part of another layer of rubble? An Aboriginal Justice Officer ('AJO') was in attendance. He was an Arabana man working in Port Augusta with extensive experience of the desert peoples' culture and the importance to an initiated man of discharging his cultural obligations. I asked him for his help in trying to understand culture. He told me, amongst other things, that he has been with Aboriginal men in custody who are prevented from attending sorry business. He did his best to convey the depth of the despair that these Aboriginal men experienced as they sat in a cell ruminating on what is taking place without them. 'It is important for your Honour to get [William] to sorry camp if you can. I've spoken to [William]. He understands that he's gotta come back and he says he will when sorry business is finished'. I trust the AJO's judgement.

My mind wandered. The Aboriginal people's conception of family is different to my own. Was William's cousin a cousin in the European sense? Does it matter? I doubt it. My mind wandered further. I had recently been reading about intergenerational trauma. Chances are this was not the first sorry camp William had needed to attend. How healthy and happy was his mob? Is intergenerational trauma just a different way of describing the compounding burden of Watson's layers of rubble? Is this what the AJO is trying to tell me in his own way? In the government's 2017 report into the *Aboriginal and Torres Strait Islander Health Performance Framework* it is said that for Aboriginal and Torres Strait Islander people health is not just about the physical wellbeing of the individual, but the social, emotional and cultural wellbeing of the

9 Irene Watson, 'Buried Alive' (2002) 13(3) *Law and Critique* 253, 254–5.

10 Ibid 253.

whole community.[11] In the course of explaining this the report states that social and economic disadvantage amongst Aboriginal and Torres Strait Islander communities is

> interconnected with historical loss of land (which was the economic and spiritual base for Aboriginal and Torres Strait Islander communities), damage to traditional social and political structures and languages; child removals; incarceration rates and intergenerational trauma.[12]

If the health and wellbeing of William's mob and William's health and wellbeing are inextricably linked, then taken with the importance of sorry camp, do you not have special circumstances justifying his release on bail? Was the Magistrate not right?

But what of the law's duty to protect Lillian? As I have said, William's arrest for bashing Lillian was not a first. In fact, I was advised that the current offences with which he was charged occurred barely three days after his release from Port Augusta Prison for a previous assault upon Lillian. On that occasion alcohol was also involved and Lillian suffered soreness and bruising. After pleading guilty William was sentenced to three months' imprisonment and the intervention order imposed.

Despite only being 26, William had many other convictions. These included assaults, disorderly behaviour, drink driving, resisting arrest, property damage and failure to comply with bail agreements. Alcohol was almost invariably a factor.

Again my mind wandered. Do I treat William like any other violent drunk? Then again, isn't his alcohol abuse symptomatic of the devastation that colonisation has wrought upon the Aboriginal people and cultural rules and obligations? What can I do about this sitting here? My mind returned to Lillian. If I treat colonisation and the destruction of Aboriginal society as in some way contributing to special circumstances will I be re-victimising Lillian and Aboriginal women in her position? Perhaps I need to hear from Lillian or the community at Finke and in particular the Aboriginal women. William's family may want him at sorry camp and so may the men, but what about the women? I glanced again at his criminal history — four prior convictions for assault. What if the victim in each case was an Aboriginal woman? I imagine that intervention orders and bail conditions issued by the police and courts are of little effect in the remote communities of South Australia. But I had heard of some communities that had their own programs designed to protect women and children in particular from violence. Can the community guarantee Lillian's safety if I grant William bail?

Will there be drink at sorry camp, I asked. Neither counsel knows whether Finke is a dry community. Even if it is, what are the chances of there being drink? High it is thought. Alcohol has been a contributor to the destruction of cultural mechanisms

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11 Australian Health Ministers' Advisory Council, *Aboriginal and Torres Strait Islander Health Performance Framework 2017 Report* (2017) 75 <https://www.pmc.gov.au/sites/default/files/publications/2017-health-performance-framework-report_1.pdf >.

12 Ibid.

of social control, I have read. But what if the laws and the police through bail conditions reinvested power in the community to police William's behaviour? It is not that I begrudged him a drink. My primary concern was the risk of alcohol fuelled violence, and, more particularly, to protect Lillian.

I was told Lillian and William had been in a relationship for around two years. She too was Aboriginal. Her people were members of the Far West Coast mob and her country in the south western part of South Australia. I was told that culturally she was not expected at sorry camp, but would go if William's only way of getting there was for her to drive him. William did not have a driver's licence and was disqualified from obtaining one.

When was sorry camp to commence, I asked. It already had, but it would continue for some time and the funeral itself was not for six days. I adjourned to the following morning, but before doing so made plain that I would like to hear from Lillian, if possible, that I wanted to know if there was a police station in Finke, and lastly, that I would welcome the assistance of any elders in Finke who would be attending the sorry camp and who, culturally, William would listen to and obey.

Again my mind wandered. What are the chances of Lillian willingly coming to court to speak to me? If she distrusted the police and judges, that would be understandable. So too would it be understandable if she did not wish to be seen or thought of as assisting the authorities. I turned back to counsel, having thought more about it; all I need to know from Lillian was whether she intended to go to sorry camp. I would leave my questions about William's reputation in the community for any elder to whom I might speak.

Before leaving the bench, I turned to explain to William what had happened. It is a habit of mine to speak directly to the accused before adjourning. It is a small thing, but in the midst of the despondency of the criminal courts it serves as a reminder to me to treat the accused no matter who they are and no matter what they have done with respect and dignity.

I was frank with William. I told him what concerned me and why I wanted more information. I did not invite questions or a response. I am cautious that he should not unwittingly forego the protection of counsel. I finish by telling him that if he has any questions he should ask his lawyer who, I am sure, will answer them for him. He nods as I speak. I finish by asking him, 'Do you understand?' 'Yes, boss', he answers. I turn to my associate, about to call for the Court to be adjourned, when William offers, 'I can catch the bus, boss.' I am relieved; he has understood. Language has not been the barrier I feared it might. He is prepared to catch the bus to avoid travelling with Lillian. Some discussion follows. Can we put William on a bus that would take him to the centre of Australia? The bus doesn't travel to Finke itself, I am told, but William will get off at a road house some 150 km south of Alice Springs and wait for a lift which he is certain will come. The Prosecutor is opposed. Now more than before I need the help of the police and the elders. I adjourn so that inquiries can be made. I make plain to William that I have not decided to let him go as yet. I want to know more. 'Yes, boss.'

I left the bench wondering, 'Yes, boss', respectful like, 'Yes, Sir', but it troubles me. I think it is the historic overtone of colonialism that is bothering me. Is William just surviving within the imposed system, being deferential and respectful because he has learnt that there is no other way when confronted by the might of the coloniser? I would rather he felt that he was being treated fairly and equitably, but who am I kidding, how can I expect him to think like that bearing in mind the havoc that history has wrought and the systemic disadvantage and unfairness of which Wayne Martin AC speaks. My mind travels to Paul Keating's Redfern speech:

> it was we who did the dispossessing. We took the traditional lands and smashed the traditional way of life. We brought the diseases. The alcohol. We committed the murders. We took the children from their mothers. We practised discrimination and exclusion. It was our ignorance and our prejudice. And our failure to imagine these things being done to us.[13]

Layer upon layer of rubble. All the more reason to look to his community and the elders for help.

I then began to think of the prospect of speaking to an elder or elders. How would I know if these people were senior people within the community? How do I involve the community without causing trouble for the community? Do I need to speak to both male and female elders? If I do not speak to the women, how can I know if permitting William to return will not create problems? Will there be cultural barriers to me obtaining the information I need? Perhaps I am overthinking this, but, amongst other things, I have in mind the work of Professors Davis and Langton and the risk of Aboriginal women being lost in a conception of colonisation and Aboriginal communities that is male dominant and marginalises Aboriginal women.[14] Involvement of the community must be a matter of choice and that choice must be exercised by all in the community concerned. How will I know? I had no time to investigate these issues and will have only imperfect information. The best I can do is tap the knowledge of the AJO.

Resuming the following day, the Prosecutor advises that there is a police station in Finke but it is not permanently staffed. Rather, the police spend two to three days in Finke every two to three weeks. They are not in Finke at present but plan to be within the week, depending on duties elsewhere. Even if the police were in Finke, the prosecution remains opposed to any grant of bail. Special circumstances do not exist

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13 Paul Keating, 'Redfern Speech: Year of the World's Indigenous People' (Speech, Redfern Park, 10 December 1992).

14 See, e.g., Megan Davis, 'A Reflection on the Royal Commission into Aboriginal Deaths in Custody and its Colonisation of Aboriginal Women's Issues' (2011) 15(1) *Australian Indigenous Law Review* 25; Megan Davis, 'Aboriginal Women: The Right to Self-Determination' (2012) 16(1) *Australian Indigenous Law Review* 78; Marcia Langton, 'Feminism: What do Aboriginal Women Gain' (1989) *Broadside: National Foundation for Australian Women Newsletter* 8.

and even if they did, and even if Lillian did not travel to sorry camp, it is unlikely William will return voluntarily to Port Augusta Prison.

I had hoped for greater assistance. I had hoped that effective policing of the communities would mean that the police could assist me in identifying elders or Aboriginal organisations that might play a part in policing any grant of bail made in William's favour. People and organisations with whom they had worked in the past and for whom they could vouch. I had also hoped that the police station might be open in order that William could report from time to time whilst in Finke. Then I wanted to know about sorry camp from the police's point of view and whether William's attendance presented any issue out of the ordinary.

I inquire of the Prosecutor; are the officers available to give evidence over the phone? Not immediately; they are on the road and then a satellite phone is required. I turn to counsel for William. We are under some pressure of time. The next bus for Alice Springs leaves Port Augusta the following morning at 10am. If William is to get to sorry camp in time for the funeral then ideally he should be on that bus.

Lillian, I was told, cannot be found. However, her aunty who lives in Port Augusta does not think she is going to Finke. Counsel tells me that most of the sort of people from William's community who can assist the Court are already at sorry camp and are proving difficult to contact. Arrangements have been made, however, for William's sister and his uncle to be at the general store in Finke at 2pm so the Court can speak to them. Other than the police station the general store is the only place with a landline. The AJO advised that bus tickets for William can be easily arranged and that Corrections will deliver him to the bus station in time if I grant bail. The Prosecutor remains opposed. You do not know anything about the people to whom you will speak on the telephone. There are no special circumstances. You cannot be satisfied that William will return.

The AJO boldly speaks up. I welcome it. He is confident William will return. He has spoken to William and William understands that if he does not come back the chances of any 'Aboriginal fella' in similar circumstances getting bail in the future will suffer.

I decide to adjourn to 2pm. I want the assistance of the people in Finke to understand better the importance of sorry business and to satisfy myself that if I were to grant William bail it would be welcomed by all in Finke. I also wanted to know whether they would assist me to make sure William stayed out of trouble and returned. I tell the Prosecutor that I would also like to speak to the police officers if that is possible.

Resuming at 2pm, the Prosecutor stands. Before any calls are made, he says, the Court should be aware that the moment proceedings are adjourned the police intend to charge William with the offence of threaten life. It appears that late on the previous day he made threats whilst in custody to kill Lillian upon his release. Those threats were made in a context of him blaming her for his being in gaol and for his current predicament. He will be charged. The police will refuse him bail. He will have to

apply afresh for bail in the Magistrates Court. A sense of gloom and frustration descends.

This is news to counsel for William. I allow him a brief adjournment to take instructions.

Whilst waiting my mind wanders. Was the threat real, or was he just sounding off in frustration? How would the authorities have gauged this? The police are probably 'damned if they do, damned if they don't' act. What would Lillian think?

We return to Court. Counsel for William advises that the application is no longer opposed. Bail should be revoked. William will start again once charged with the fresh offence.

I revoke bail. Unfair? Racist? Rubble upon rubble. The most incarcerated people on the planet. Like headlines these things flash through my mind. 'Adjourn the court', I mutter.

'All stand'.

'You rubbish'. It is William. My mind returns to Paul Keating's Redfern Speech:

> it might help us if we non-Aboriginal Australians imagined ourselves dispossessed of land we had lived on for fifty thousand years — and then imagined ourselves told that it had never been ours. Imagine if ours was the oldest culture in the world and we were told that it was worthless. Imagine if we had resisted this settlement, suffered and died in the defence of our land, and were told in history books that we had given up without a fight. Imagine if non-Aboriginal Australians had served their country in peace and war and were then ignored in history books. Imagine if our feats on sporting fields had inspired admiration and patriotism and yet did nothing to diminish prejudice. Imagine if our spiritual life was denied and ridiculed. Imagine if we had suffered the injustice and were blamed for it. It seems to me that if we can imagine the injustice we can imagine its opposite. And we can have justice.[15]

And to the Uluru Statement:

> Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are aliened from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.
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> These dimensions of our crisis tell plainly the structural nature of our problem. This is *the torment of our powerlessness*.

15 Keating (n 13).

> We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.[16]

William's point has force.

16 *Uluru Statement* (n 3).